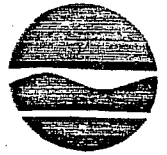


Exhibit “N” to Amended Verified Petition

New York State Department of Environmental Conservation
21 South Putt Corners Road
New Paltz, New York 12561-1696
(914) 255-5453



Thomas C. Jorling
Commissioner

Date: November 10, 1988

Re: LEAD AGENCY COORDINATION REQUEST

Mellon Trucking State Mine

The purpose of this request is to determine under Article 8 (State Environmental Quality Review - SEQR) of the Environmental Conservation Law and 6 NYCRR Part 617 the following:

1. your jurisdiction in the action described on the attached SEQR coordination data sheet,
2. your interest in assuming the responsibilities of lead agency; and
3. issues of concern which you believe should be evaluated.

I have enclosed a copy of the permit application and a completed Environmental Assessment Form to assist you in responding.

The lead agency will determine the need for an environmental impact statement (EIS) on this project. If you have an interest in being lead agency, please contact this office within 20 days of the date of this letter. If no response is received, it will be assumed that your agency has no interest in being lead agency.

Please feel free to contact this office for further information or discussion.

Sincerely,

Alec Ciesluk

Alec Ciesluk

Division of Regulatory Affairs
Region 3

*11-14-88 Received Carter,
Copy to Rick E. Meloy, Sr.*

Attachment

Distribution: *T. Montgomery, Planning Bd. / Supervisor* *W. Nelson, Eng.*
T. Shwartz, Supervisor *T. Newburgh, Supervisor* *Mellon Trucking Inc.*

SEQR COORDINATION DATA SHEET

Project Name: *Mellon Trucking State Mine*

Project Location: *Kings Hill Road, Town of Montgomery, Orange Co.*

DEC Project No.: *3-3342-22-2-0*

DEC Permits: *Mined Land Reclamation*

SEQR Classification: ☒ Type I ☐ Unlisted

DEC Contact Person: *Alec Cieslak*
21 South Putt Corners Road
New Paltz, NY 12561-1696
(914) 255-5453

Region 3

DEC Position:

- ☒ DEC has no objection to your agency assuming lead agency status for this action.
- ☐ DEC wishes to assume lead agency status for this action.
- ☐ Other. (See comments below)

Comments (optional):

11/10/88

Date

Alec Cieslak

Division of Regulatory Affairs

617.21

Appendix A

SEQR

State Environmental Quality Review

FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

Part 1: Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.

Part 2: Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially large impact. The form also identifies whether an impact can be mitigated or reduced.

Part 3: If any impact in Part 2 is identified as potentially large, then Part 3 is used to evaluate whether or not the impact is actually important.

DETERMINATION OF SIGNIFICANCE—Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: ☒ Part 1 ☒ Part 2 ☐ Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- ☐ A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a **negative declaration will be prepared.**
- ☐ B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.***
- ☐ C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a **positive declaration will be prepared.**
- * A Conditioned Negative Declaration is only valid for Unlisted Actions

Kings Hill Road Shale Mine

Name of Action

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

Date

PART I - PROJECT INFORMATION

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

NAME OF ACTION Kings Hill Road Shale Mine		
LOCATION OF ACTION (Include Street Address, Municipality and County) Kings Hill Road, Town of Montgomery, Orange County, New York		
NAME OF APPLICANT/SPONSOR Mr. Leon Mehl, President, Mehlon Trucking Inc.		BUSINESS TELEPHONE (914) 895-2700
ADDRESS Post Office Box 519		
CITY/PO Wallkill	STATE N.Y.	ZIP CODE 12589
NAME OF OWNER (if different) same as above		BUSINESS TELEPHONE ()
ADDRESS		
CITY/PO	STATE	ZIP CODE
DESCRIPTION OF ACTION Shale mining operation including blasting		

Please Complete Each Question— Indicate N.A. if not applicable

A. Site Description

Physical setting of overall project, both developed and undeveloped areas.

1. Present land use: ☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)
☒ Forest ☐ Agriculture ☒ Other Quarry, Utility Easement

2. Total acreage of project area: 159.9 acres. (Total Site)

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	_____ acres	<u>18.1</u> acres
Forested	<u>140</u> acres	<u>130.2</u> acres
Agricultural (Includes orchards, cropland, pasture, etc.)	_____ acres	_____ acres
Wetland (Freshwater or tidal as per Articles 24, 25 of ECL)	<u>0</u> acres	<u>0</u> acres
Water Surface Area	<u>0</u> acres	<u>0</u> acres
Unvegetated (Rock, earth or fill)	<u>8.3</u> acres	_____ acres
Roads, buildings and other paved surfaces	<u>1.4</u> acres	<u>1.4</u> acres
Other (Indicate type) <u>Utility Easement</u>	<u>10.2</u> acres	<u>10.2</u> acres

3. What is predominant soil type(s) on project site? Both Nassau shaly siltloam, and Rock-Outcrop Nassau complex shaly silt loam.
- a. Soil drainage: ☒ Well drained 100 % of site ☐ Moderately well drained _____ % of site
☐ Poorly drained _____ % of site
- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? _____ acres. (See 1 NYCRR 370).
4. Are there bedrock outcroppings on project site? ☒ Yes ☐ No
- a. What is depth to bedrock? 0 - >5 feet (in feet)

5. Approximate percentage of project area with slopes: ☐ 0-10% ☒ 10-15% ☐ 15% or greater
6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or the National Registers of Historic Places? ☐ Yes ☒ No
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? ☐ Yes ☒ No
8. What is the depth of the water table? 0.5 - 6 (in feet) varies with season and location (Orange County Soils Survey, SCS)
9. Is site located over a primary, principal, or sole source aquifer? ☐ Yes ☒ No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☐ Yes ☒ No
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? ☐ Yes ☒ No According to review of Significant Habitat Overlay No. 1 of 2, NYS DEC, Identify each species NA Bureau of Wildlife
12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations) ☐ Yes ☒ No Describe N/A
13. Is the project site presently used by the community or neighborhood as an open space or recreation area? ☐ Yes ☒ No If yes, explain N/A
14. Does the present site include scenic views known to be important to the community? ☐ Yes ☒ No
15. Streams within or contiguous to project area: Unnamed Tributary (Class B) to Tin Brook is 500ft. from site boundary, joins it flows into the Wallkill River (Class B) a. Name of Stream and name of River to which it is tributary Tin Brook (Class B where unnamed tribut.)
16. Lakes, ponds, wetland areas within or contiguous to project area: None a. Name N/A b. Size (in acres) N/A
17. Is the site served by existing public utilities? ☐ Yes ☒ No (there is an easement through a non-project area of the property)
a) If Yes, does sufficient capacity exist to allow connection? N/A ☐ Yes ☐ No
b) If Yes, will improvements be necessary to allow connection? N/A ☐ Yes ☐ No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☒ Yes ☐ No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? ☐ Yes ☒ No
20. Has the site ever been used for the disposal of solid or hazardous wastes? ☐ Yes ☒ No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate)
- a. Total contiguous acreage owned or controlled by project sponsor 159.9 acres.
- b. Project acreage to be developed: 10.2 acres initially; 18.1 acres ultimately.
- c. Project acreage to remain undeveloped 130.2 acres.
- d. Length of project, in miles: N/A (If appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed _____ %;
- f. Number of off-street parking spaces existing N/A; proposed N/A.
- g. Maximum vehicular trips generated per hour 2.5 (upon completion of project)? (20 per day)
- h. If residential: Number and type of housing units: N/A
- | | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially | | | | |
| Ultimately | | | | |
- i. Dimensions (in feet) of largest proposed structure _____ height; 40 width; 60 length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 1.91 ft. = overall property boundary along Kings Hill Road (project area is away from public roads).
- N/A = Not Applicable

2. How much natural material (fill, rock, earth, etc.) will be removed from site? 320,000 tons/cubic yard in place
3. Will disturbed areas be reclaimed? ☒ Yes ☐ No ☐ N/A
- a. If yes, for what intended purpose is the site being reclaimed? pasture
- b. Will topsoil be stockpiled for reclamation? ☒ Yes ☐ No
- c. Will upper subsoil be stockpiled for reclamation? ☐ Yes ☐ No ☐ N/A (no subsoil in mining area)
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 9.8 acres.
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?
☐ Yes ☒ No
6. If single phase project: Anticipated period of construction _____ months, (including demolition).
7. If multi-phased:
- a. Total number of phases anticipated 5 (number).
- b. Anticipated date of commencement phase 1 Oct. month 1988 year, (including demolition).
- c. Approximate completion date of final phase Sept month 2003 year.
- d. Is phase 1 functionally dependent on subsequent phases? ☐ Yes ☒ No
8. Will blasting occur during construction? ☒ Yes ☐ No
9. Number of jobs generated: during construction N/A; after project is complete N/A
10. Number of jobs eliminated by this project None during mining operations 3-5
11. Will project require relocation of any projects or facilities? ☐ Yes ☒ No If yes, explain _____
12. Is surface liquid waste disposal involved? ☐ Yes ☒ No
- a. If yes, indicate type of waste (sewage, industrial, etc.) and amount _____
- b. Name of water body into which effluent will be discharged _____
13. Is subsurface liquid waste disposal involved? ☐ Yes ☒ No Type _____
14. Will surface area of an existing water body increase or decrease by proposal? ☐ Yes ☒ No
Explain: _____
15. Is project or any portion of project located in a 100 year flood plain? ☐ Yes ☒ No
16. Will the project generate solid waste? ☐ Yes ☒ No
- a. If yes, what is the amount per month N/A tons
- b. If yes, will an existing solid waste facility be used? ☐ Yes ☐ No ☐ N/A
- c. If yes, give name N/A; location N/A
- d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? ☐ Yes ☒ No
- e. If Yes, explain N/A
17. Will the project involve the disposal of solid waste? ☐ Yes ☒ No
- a. If yes, what is the anticipated rate of disposal? N/A tons/month.
- b. If yes, what is the anticipated site life? N/A years.
18. Will project use herbicides or pesticides? ☐ Yes ☒ No
19. Will project routinely produce odors (more than one hour per day)? ☐ Yes ☒ No
20. Will project produce operating noise exceeding the local ambient noise levels? ☒ Yes ☐ No
21. Will project result in an increase in energy use? ☒ Yes ☐ No
If yes, indicate type(s) Diesel fuel for equipment
22. If water supply is from wells, indicate pumping capacity _____ gallons/minute.
23. Total anticipated water usage per day none gallons/day.
24. Does project involve Local, State or Federal funding? ☐ Yes ☒ No
If Yes, explain N/A

N/A = Not Applicable

Submittal
Date

City, Town, Village Board ☐ Yes ☒ No
~~City, Town, Village~~ Planning Board ☐ Yes ☒ No
 City, Town Zoning Board ☒ Yes ☐ No
 City, County Health Department ☐ Yes ☒ No
 Other Local Agencies ☐ Yes ☒ No
 Other Regional Agencies ☐ Yes ☒ No
 State Agencies ☒ Yes ☐ No
 Federal Agencies ☐ Yes ☒ No

Variance

NYS DEC - Mining Permit

C. Zoning and Planning Information1. Does proposed action involve a planning or zoning decision? ☒ Yes ☐ No

If Yes, indicate decision required:

☐ zoning amendment ☒ zoning variance ☐ special use permit ☐ subdivision ☐ site plan
☐ new/revision of master plan ☐ resource management plan ☐ other _____

2. What is the zoning classification(s) of the site? RA - 1 (Residential Agriculture, one and two family)3. What is the maximum potential development of the site if developed as permitted by the present zoning?
Residential (one and two family residence on 40,000 sq. ft. lot)4. What is the proposed zoning of the site? SAME5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?
Residential (one and two family residence on 40,000 sq. ft. lot) N/A6. Is the proposed action consistent with the recommended uses in adopted local land use plans? ☐ Yes ☒ No7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?
Residential/ zoned RA-1 (Montgomery), AR + R2 (Newburgh), RAg2 (Shawangunk)8. Is the proposed action compatible with adjoining/surrounding land uses within a ¼ mile? ☐ Yes ☒ No9. If the proposed action is the subdivision of land, how many lots are proposed? N/Aa. What is the minimum lot size proposed? N/A10. Will proposed action require any authorization(s) for the formation of sewer or water districts? ☐ Yes ☒ No11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)? ☐ Yes ☒ Noa. If yes, is existing capacity sufficient to handle projected demand? ☐ Yes ☐ No N/A12. Will the proposed action result in the generation of traffic significantly above present levels? ☐ Yes ☒ Noa. If yes, is the existing road network adequate to handle the additional traffic? ☐ Yes ☐ No**D. Informational Details**

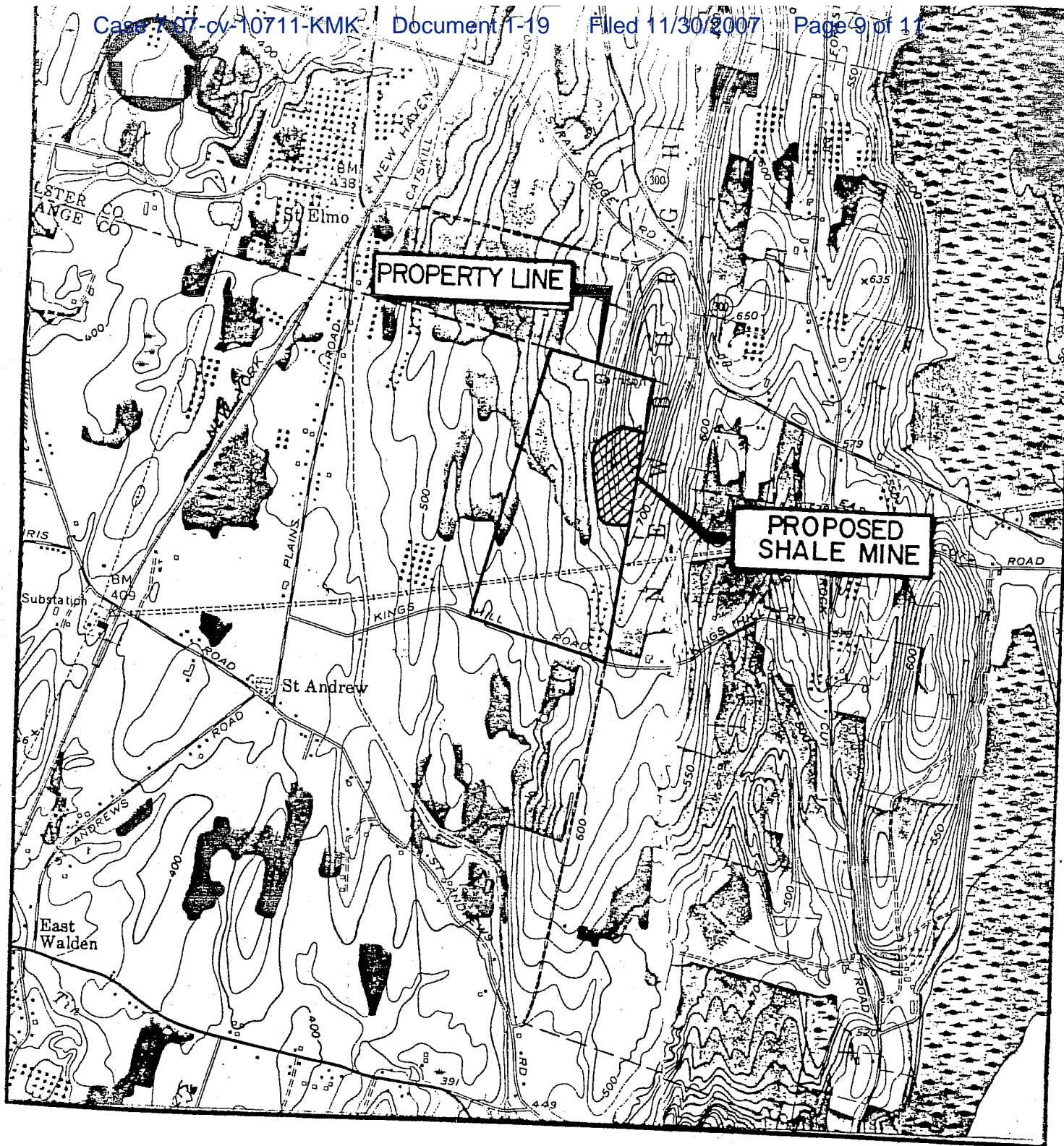
Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name Wehran Engineering, for Mehlon Trucking Inc. Date _____Signature Alan Bjornson, C.E.P. Title Senior Environmental Scientist

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.



TOPOGRAPHY TAKEN FROM
WALDEN & NEWBURGH, N.Y., 1957
PHOTOREVISED, 1981
U.S.G.S. QUADRANGLE MAP.
7.5 MIN. SERIES

SCALE: 1" = 2000'



QUADRANGLE LOCATION

FIGURE 1

SITE LOCATION MAP

1.0 INTRODUCTION

Mehlon Trucking Incorporated is applying for a mining permit which proposes use of 18.1 acres as a shale mining operation. The site is located on the north side of Kings Hill Road in the Town of Montgomery, Orange County, New York. The area to be permitted is contained within a 159.9-acre parcel owned by the applicant and bordering the Town of Newburgh, Orange County to the east and north, and the Town of Shawangunk, Ulster County to the north. The site is located on the Walden, New York, USGS 7.5-minute topographic quadrangle. The affected acreage includes areas for mining, shale stockpiling, equipment storage, and topsoil stockpiling. An existing 2,100 linear foot access road provides access to the proposed mining area from Kings Hill Road.

This mine site will produce approximately 820,000 cubic yards (in place) of graded, crushed shale. All of the material excavated from the mine will be transported off site and sold.

This Mined Land-Use Plan and the accompanying permit application have been prepared to meet the requirements necessary to obtain a mining permit from the New York State Department of Environmental Conservation (NYSDEC). The purpose of the plan is to provide a description of mining and reclamation operations to be used at the site. This plan is also being proposed to comply with local requirements for mining operations to be specified by the Town of Montgomery Planning Board.

85-19-2 (1/78)

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BUREAU OF MINERAL RESOURCES

MINING PERMIT APPLICATION AND RECLAMATION REPORT

SECTION A

1. N.Y.S. MINE FILE NO. <u>3023-32-0195</u>		2. NAME OF APPLICANT OR PERMITTEE <u>MEHLON TRUCKING INC.</u>		3. TELEPHONE NO. (Include Area Code) (914) 895-2700	
4. MAILING ADDRESS <u>P.O. Box 519 Wallkill, N.Y. 12589</u>				5. COMMON NAME OF MINE <u>KINGS HILL ROAD SHALE MINE</u>	
6. LOCATION OF MINE County <u>Orange</u> Town <u>Montgomery</u>		U.S.G.S. DESIGNATION (a) <u>Walden, N.Y.</u> (b) <u>7.5</u> Minutes (c) <u>8 8/16</u> Inches Top (d) <u>10/16</u> Inches Right		7. TYPE OF SUBMITTAL <input checked="" type="checkbox"/> Original Application <input type="checkbox"/> Amendment Application <input type="checkbox"/> Renewal Application <input type="checkbox"/> Transfer Application <input type="checkbox"/> Renewal WITH Amendment Application <input type="checkbox"/> Reclamation Report	
8. PERMIT TERM: <u>Previous Term</u> <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Triennial <u>Coming Term</u> <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Triennial	9. STATUS OF OTHER N.Y.S. MINE FILE NUMBERS. LIST FILE NUMBERS UNDER APPROPRIATE HEADING.				Reclamation Bond Forfeited
	<u>Active</u>	<u>Inactive</u>	<u>Refused</u>	<u>Suspended</u>	<u>Revoked</u>
		<u>3 023-32-0195</u>			

SECTION B

10. Has any owner, partner, corporate officer or corporate director of your organization ever held any of these positions in another organization which has had a New York State mining permit SUSPENDED OR REVOKED or has had a New York State mined land reclamation bond FORFEITED ? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If "Yes", identify the person(s)					
11. COMMON OR COMMERCIAL NAME OF THE MINERAL TO BE MINED <u>Shale</u>		12. TYPE OF GEOLOGIC DEPOSIT <u>Shale</u>		13. TYPE OF MINE <input checked="" type="checkbox"/> Surface Consolidated <input type="checkbox"/> Surface Unconsolidated <input type="checkbox"/> Underground	
14. ESTIMATED LIFE OF MINE: <u>15</u> Years					
15. ESTIMATED NO. OF ACRES TO BE AFFECTED BY MINING DURING THE: A. <u>Phase 1</u> <u>10.2</u> Acres B. <u>All Phases</u> <u>18.1</u> Acres		16. HAS THE PROPOSED RECLAMATION PLAN BEEN DEVELOPED IN COOPERATION WITH ANY OF THE FOLLOWING: <input type="checkbox"/> Department of Environmental Conservation <input type="checkbox"/> Soil Conservation Service <input type="checkbox"/> County Soil & Water Conservation District <input type="checkbox"/> Cooperative Extension Office <input checked="" type="checkbox"/> Consultant (Identify) <u>Wehran Engineering</u> <input type="checkbox"/> Other (Identify)			

SECTION C

17. NAME AND MAILING ADDRESS OF THE MINERAL OWNER <u>Leon and Dixie Mehl</u> <u>RD 1 Walden, N.Y. 12586</u>		18. NAME AND MAILING ADDRESS OF THE SURFACE LANDOWNER <u>Leon and Dixie Mehl</u> <u>RD 1 Walden, N.Y. 12586</u>	
19. As the surface landowner of the property which is to be mined, I have been advised by the applicant of the contents of the reclamation plan. SIGNATURE OF LANDOWNER _____ DATE _____			

SECTION D

20. What is the present zoning classification of the property to be mined? <u>RA-1 (Residential Agriculture 1&2 family)</u>	
21. Does the proposed land-use objective conform to officially adopted COUNTY and/or TOWN planning? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "No", explain in block 25.	
22. Does local government have any reclamation standards which apply to this mine? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If "Yes", explain below in block 25.	
23. Is the applicant required to have a local mining permit? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If "Yes", enter the Permit Identification No. <u>pending</u>	
24. Is the applicant required to have a local mining reclamation bond? <input type="checkbox"/> No <input type="checkbox"/> Yes If "Yes", what is the (a) amount of the bond \$ <u>pending</u> (b) name and address of the surety _____	
25. COMMENTS RELATIVE TO QUESTIONS IN SECTION D <u>Town of Montgomery requirements are pending review of NYSDEC permit application</u>	
26. NAME AND MAILING ADDRESS OF LOCAL GOVERNMENT: <u>Town of Montgomery Town Hall</u> <u>74 Main Street, Walden, N.Y. 12586</u>	
TELEPHONE NO. (914) 778-5713	
27. As the Chief Administrative Officer of the municipality having immediate jurisdiction over the proposed mine site, I have been advised by the applicant of the contents of the reclamation plan. SIGNATURE DOES NOT NECESSARILY CONSTITUTE APPROVAL. NAME, TITLE AND SIGNATURE OF CHIEF ADMINISTRATIVE OFFICER _____ DATE <u>7/8/88</u>	